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April 11, 2013

**By ECFS**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Express Cash and Phone, Inc. dba Talk Now Telco and dba Talk Now  
Telco Wireless, Revised Compliance Plan;  
WC Docket Nos. 09-197, 11-42 - **Redacted for Public Inspection**

Dear Ms. Dortch:

On July 2, 2012, Express Cash and Phone, Inc. dba Talk Now Telco and dba Talk Now Telco Wireless ("Talk Now" or the "Company") submitted its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.<sup>1</sup> Talk Now submitted revised versions of its Compliance Plan on September 27, 2012, December 12, 2012 and February 21, 2013 to provide additional details and clarifications.

Talk Now has further revised its Compliance Plan to: (a) provide additional details regarding Talk Now's ownership in Section I.A and Confidential Exhibit 1 (p. 3); (b) clarify that "Company personnel" includes only Talk Now employees, (pp. 8-9, 22-23); (c) provide details regarding the Company's customer service availability (p. 15); and (d) make minor revisions to the Talk Now Lifeline application/certification forms including clarifying the uses of the form (Exhibit 3).

<sup>1</sup> See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, 27 FCC Rcd 6656 (Feb. 6, 2012).

KELLEY DRYE & WARREN LLP

Ms. Marlene H. Dortch, Secretary  
April 11, 2013  
Page Two

The confidential version of the revised Compliance Plan is being filed by hand delivery. This redacted version of the filing is being submitted electronically for inclusion in the public record of the above-referenced proceedings.

Talk Now hereby submits a redacted version of its complete Compliance Plan with the above revisions and reiterates its request for the expeditious approval of its Compliance Plan. Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,



John J. Heitmann  
Denise N. Smith

*Counsel to Express Cash and Phone, Inc. dba  
Talk Now Telco and dba Talk Now Telco  
Wireless*

cc: Garnet Hanly  
Jonathan Lechter  
Alex Minard  
Michelle Schaefer

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Lifeline and Link Up Reform and  
Modernization

Telecommunications Carriers Eligible to  
Receive Universal Service Support

Express Cash and Phone, Inc. dba Talk Now  
Telco and Talk Now Telco Wireless (Talk Now  
Telco)

WC Docket No. 11-42

WC Docket No. 09-197

**REVISED COMPLIANCE PLAN OF EXPRESS CASH AND PHONE, INC.  
DBA TALK NOW TELCO AND DBA TALK NOW TELCO WIRELESS**

Express Cash and Phone, Inc. dba Talk Now Telco and dba Talk Now Telco Wireless<sup>1</sup> (“Talk Now Telco” or the “Company”) through its undersigned counsel and by submission of this Compliance Plan, hereby seeks to avail itself of the Federal Communications Commission’s (“Commission”) grant of forbearance from the “own facilities” requirement set forth in 47 U.S.C. § 214(e)(1)(A).<sup>2</sup> Talk Now Telco’s Compliance Plan is filed in accordance with the

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<sup>1</sup> The Company has two assumed names. Talk Now Telco is the assumed name under which the Company is certificated as a CLEC and designated as an eligible telecommunications company (“ETC”) by the Texas Public Utility Commission (“PUC”). Talk Now Telco Wireless is the assumed name for a wireless division of the Company which has a pending ETC designation proceeding at the Texas PUC. *See In re: Application of Express Cash and Phone, Inc. dba Talk Now Telco Wireless for Designation as an Eligible Telecommunications Carrier in the State of Texas*, Docket 40683 (Aug. 28, 2012).

<sup>2</sup> Although the Company qualifies for and seeks to avail itself of the Commission’s grant of forbearance from the facilities requirement of section 214(e)(1)(A) for purposes of the federal Lifeline program, the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state for purposes of state universal service funding under state program rules and requirements. The Company will follow the requirements of the Commission’s Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income Fund, including in any state where the public utilities commission determines

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procedures established in the *Lifeline Reform Order*<sup>3</sup> and clarified in the *Compliance Plan Public Notice* issued by the Wireline Competition Bureau on February 29, 2012.<sup>4</sup>

Talk Now Telco respectfully requests expeditious approval of its Compliance Plan so that the Company may continue to provide essential Lifeline service to eligible low-income customers in states where it has been designated an ETC and so that it may provide service to additional eligible low-income consumers in the various states for which it may file ETC petitions.

As set forth below, Talk Now Telco will fully comply with all conditions set forth in the Commission's recently amended Lifeline rules and with all pertinent conditions set forth in the *Lifeline Reform Order*. This Compliance Plan describes the measures Talk Now Telco has already implemented or intends to implement to achieve full compliance with the Commission's Lifeline rules and policies. For the convenience of the Commission, this Compliance Plan follows the format established by the Wireline Competition Bureau in the *Compliance Plan Public Notice*.

### **I. INFORMATION ABOUT TALK NOW TELCO AND ITS LIFELINE PLANS**

#### **A. Company Information**

Talk Now Telco, Inc. is a Texas corporation, with headquarters in Fort Worth, Texas. The Company's President is Brandon Young. The Company has no subsidiaries and operates

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that Talk Now Telco provides service using its own facilities for purposes of a state universal service program.

<sup>3</sup> *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (FCC rel. Feb. 6, 2012) ("*Lifeline Reform Order*").

<sup>4</sup> The Company herein submits the information required by the Compliance Plan Public Notice. *See* Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order, Public Notice, DA 12-314 (WCB rel. Feb. 29, 2012) ("*Compliance Plan Public Notice*").

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under the names “Talk Now Telco” and “Talk Now Telco Wireless.” Mr. Young also has indirect ownership interests in: (1) New Talk, Inc., which is a competitive local exchange carrier designated as an ETC in Alabama, Kentucky and Texas; (2) New Talk Wireless, LLC, a start-up company seeking ETC designation in Texas; (3) Assist Wireless, LLC which is a wireless carrier designated as an ETC in Arkansas, Maryland, Missouri, and Oklahoma; and (4) Telecom Ventures, LLC, which is a competitive local exchange carrier in New York and Oklahoma and designated as an ETC in New York.<sup>5</sup>

Talk Now Telco was designated as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider in the state of Texas on December 4, 2007<sup>6</sup> in the SBC Texas (aka AT&T Texas) certificated service area. On August 28, 2012, Express Cash and Phone d/b/a Talk Now Telco Wireless filed an application to extend its Texas ETC designation to include wireless service and to expand the Company’s designated service territory.<sup>7</sup> Talk Now Telco requests expeditious approval of this Compliance Plan so that the Company can begin providing much-needed wireless Lifeline services to low income consumers in Texas.

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<sup>5</sup> The owners of Talk Now Telco that own or control 10% or more of the Company, report that they also own or control 10% or more of the companies listed in Confidential Exhibit 1, attached hereto, which companies may be deemed to be ‘affiliates’ as that term is defined in 47 U.S.C. § 153(2). The Company does not have a holding or operating company and does not own or control any other entities. The Company’s also reports its corporate and trade names and identifiers. Information regarding the principals and entities that hold ownership interests in Talk Now Telco is included in Confidential Exhibit 1.

<sup>6</sup> Talk Now Telco was granted this designation by the Public Utility Commission of Texas in PUC Docket No. 34881 on December 4, 2007.

<sup>7</sup> See *In re: Application of Express Cash and Phone, Inc. dba Talk Now Telco Wireless for Designation as an Eligible Telecommunications Carrier in the State of Texas*, Docket 40683 (Aug. 28, 2012). Because the original Texas PUC Order granting Express Cash and Phone’s ETC designation is silent as to wireless/wireline distinctions, it is unclear whether an additional ETC application is necessary for wireless services. To the extent the Texas PUC advises that an additional designation is not needed, the Company would still pursue grant of the pending application as, explained below, a larger service territory is sought in the new application.

**B. Talk Now Telco's Financial and Technical Capabilities to Provide Lifeline Service**

As noted above, the Company currently is seeking to extend its ETC designation to include wireless services which will be provided under the Talk Now Telco Wireless name. Talk Now Telco Wireless already has established relationships with the vendors that will be necessary to enroll Lifeline customers and process applications and reimbursements. Once this Compliance Plan is approved, Talk Now Telco Wireless should need only approximately 60 days to further train its employees, put up branding and signage in its storefronts, and implement its various systems before it will be able to begin processing Lifeline applications and enrolling customers for service.

Talk Now Telco has access to the experience and expertise of New Talk, Inc., a successful wireline ETC operating in Texas for several years and currently serving approximately 9,000 Lifeline subscribers in Texas. The management of New Talk, Inc. is available to Talk Now Telco for guidance with respect to serving Lifeline subscribers.

Talk Now Telco is financially stable and fully capable of honoring its service obligations to customers, as well as federal and state regulatory obligations. Although Talk Now Telco will derive revenues from the sale of Lifeline services, the Company will not rely exclusively on USF disbursements to operate. As mentioned previously, the Company intends to begin providing non-Lifeline wireless services in the near future and will have revenues from those services. In addition, Talk Now Telco has access to the financial resources of its investors and thus has access to sufficient capital to fund the Company. Consequently, the Company will not be relying

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exclusively on Lifeline reimbursements for its operating revenues. Finally, Talk Now Telco has not been subject to any enforcement action or ETC revocation proceeding in any state.

### **C. Geographic Area of Talk Now Telco's Service Offerings**

Talk Now Telco is an ETC designated as such by the Public Utility Commission of Texas in the study areas of SBC Texas (aka AT&T Texas) and, specifically, in AT&T Texas wire centers identified in the application in Texas PUC Project No. 33524. As noted above, designation in a larger service area (the non-rural wire centers of AT&T and Verizon) is requested in Talk Now Telco's pending Application for Wireless ETC Designation.

### **D. Talk Now Telco's Lifeline Service Plans**

Exhibit 2 to this Compliance Plan contains the Company's Lifeline offerings.

### **E. Other Certifications Required by 47 C.F.R. § 54.202**

The *Compliance Plan Public Notice* requires carriers to include certifications required under newly amended 47 C.F.R. § 54.202.<sup>8</sup> Talk Now Telco hereby certifies that it will comply with the service requirements applicable to the support it receives.<sup>9</sup> Specifically, Talk Now Telco's Lifeline services will: (i) include voice telephony services that provide voice grade access to the public switched network or its functional equivalent; (ii) provide subscribers with a defined number of minutes of usage for local service at no additional charge (as described above in Section I(D)); (iii) provide subscribers with access to the emergency services provided by local government or other public safety organizations, such as 911/E911, to the extent the local government in Talk Now Telco's service area has implemented 911/E911 systems (as described

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<sup>8</sup> Compliance Plan Public Notice at 3.

<sup>9</sup> 47 C.F.R. § 54.202(a)(1)(i).

below in Section III) and will comply with any Commission requirements regarding 911 compliance; and (iv) toll limitation for qualifying low-income consumers.<sup>10</sup>

## **II. TALK NOW TELCO'S PLANS FOR COMPLIANCE WITH NEW COMMISSION RULES RELATING TO DETERMINATIONS OF SUBSCRIBER ELIGIBILITY FOR LIFELINE SERVICES**

Talk Now Telco will comply with the requirements pertaining to consumer qualifications for Lifeline set forth in new section 54.409 of the Commission's rules<sup>11</sup> and any state-specific requirements in the various states in which Talk Now Telco has been (or will be) designated an ETC. Accordingly, subscribers will be required to demonstrate eligibility based on household income equal to or less than 135% of the Federal Poverty Guidelines or the household's participation in one of the qualifying federal assistance programs detailed in sections 54.409(a)(2)-(a)(3) of the Commission's rules. The Company also will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

### **A. Talk Now Telco's Procedures to Determine Consumer Eligibility and Enroll Subscribers in the Lifeline Program<sup>12</sup>**

Talk Now Telco will conduct outreach in areas where Lifeline-eligible consumers are likely to be located. The Company intends to set up enrollment operations at public events and

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<sup>10</sup> 47 C.F.R. § 54.101(a); Toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control. Talk Now Telco commits to meeting this requirement by offering service on a prepaid, or pay-as-you-go, basis. Moreover, Talk Now Telco's calling plans will include unlimited nationwide long distance, so no customer will have their service turned off or see additional charges for long distance calling. Talk Now Telco will provide this toll control to qualifying low-income consumers at no additional charge. Talk Now Telco Wireless will not provide toll limitation service for its wireless service offerings. Talk Now Telco Wireless, like most wireless carriers, does not differentiate between domestic long distance toll usage and local usage and all usage is paid in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS. See *Lifeline Reform Order*, ¶ 230.

<sup>11</sup> 47 C.F.R. § 54.409.

<sup>12</sup> See Public Notice at 3.

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in local neighborhood parking lots or street corners. Talk Now Telco plans to work with government agencies, and Tribal authorities where applicable, to set up Talk Now Telco enrollment information stations at locations such as public housing locations and food stamp offices. Talk Now Telco also may conduct enrollment activities at various storefronts.

Section 54.410(b)(1) of the Commission's rules states that, when complying with the requirement to determine a subscriber's initial eligibility for participation in the Lifeline program, an ETC may rely on the determination of a state agency or administrator if that agency or administrator is responsible for the initial determination of a Lifeline subscriber's eligibility. In Texas, Talk Now Telco relies on eligibility determinations by Solix, Inc., the state-designated Lifeline Program administrator, which conducts the initial eligibility and subsequent verification of a consumer's eligibility for participation in the Lifeline program. Applicants contact Talk Now Telco to request service and, after collecting limited information including the applicant's name, address and date of birth, the Company will direct the applicants to LiteUp Texas, a program administered by Solix, to apply for participation in the Lifeline program. Each month, Talk Now Telco will provide applicant information to Solix. Solix will then identify which consumers are eligible for Lifeline and send a file to Talk Now Telco detailing which of the Company's applicants are eligible to receive Lifeline discounts.<sup>13</sup> Talk Now Telco will rely on the subscriber eligibility determinations of Solix to comply with its obligation to satisfy subscriber Lifeline eligibility requirements.

In states without a designated administrator, Talk Now Telco will utilize the following procedures to determine applicant eligibility for participating in the Lifeline program. Talk Now

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<sup>13</sup> See, e.g., Solix, Inc.'s Comments in Response to the Federal Communications Commission Notice of Proposed Rulemaking, WC Docket Nos. 11-42, 03-109 and CC Docket No. 96-45, at 2-3 (filed April 21, 2011).

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Telco will have direct contact with all prospective customers applying for Lifeline service, either in person through its employees or third party representatives, or by telephone, facsimile or over the Internet.<sup>14</sup> Every prospective subscriber will be required to complete Talk Now Telco's "Lifeline Application." A sample of the application/certification form is attached hereto as Exhibit 3. The Company's Lifeline application/certification form conforms to the subscriber certification requirements of the *Lifeline Reform Order* and 47 C.F.R. § 54.410. Talk Now Telco has also included in Exhibit 3 a copy of its income eligibility worksheet that will be used for applicants to demonstrate eligibility based on income. Talk Now Telco will require prospective customers who do not complete the Lifeline application/certification form in person to return the signed document, copies of government-issued photo identification and eligibility documentation to the Company by mail, facsimile, electronic mail or other electronic transmission. The Company will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7006 and any applicable state laws.<sup>15</sup>

Talk Now Telco will require all subscribers to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in new 47 C.F.R. § 54.409(a)(2) or 47 C.F.R. § 54.409(a)(3). If the Company cannot determine an applicant's eligibility for Lifeline by accessing income or program eligibility databases, Talk Now Telco "personnel" (currently only employees) will review documents to establish eligibility in accordance with the criteria set forth in 47 C.F.R. §§ 54.409 and 54.410. In addition, a Talk

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<sup>14</sup> Lifeline applicants can access Talk Now Telco's website at [www.talknowtexas.com](http://www.talknowtexas.com) and [www.talknowtexaswireless.com](http://www.talknowtexaswireless.com).

<sup>15</sup> 47 C.F.R. § 54.419.

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Now Telco employee will be responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on an FCC Form 497 for reimbursement. All Talk Now Telco personnel who interact with existing Lifeline customers or Lifeline applicants will be fully trained on the Commission's revised Lifeline eligibility rules and Talk Now Telco's practices and policies designed to implement these new rules.

If Talk Now Telco chooses to use agents or third party representatives in the future, Talk Now Telco will not enroll customers at retail locations where the Company does not have an agency agreement with the retailer. Further, Talk Now Telco will require an agent retailer to have any employees involved in the enrollment process go through the standard Talk Now Telco field representative training, same as it would for any other agent. By establishing agency relationships with all of its field representatives, including future retail outlets, Talk Now Telco meets the "deal directly" requirement adopted in the *TracFone Forbearance Order*.<sup>16</sup>

The Commission determined in the *Lifeline Reform Order* that ETCs may permit agents or representatives to review documentation of consumer program eligibility for Lifeline because "the Commission has consistently found that '[l]icensees and other Commission regulatees are responsible for the acts and omissions of their employees and independent contractors.'"<sup>17</sup> Because Talk Now Telco is responsible for the actions of all of its employees, including those enrolling customers in any Talk Now Telco owned or affiliated retail locations, and an Talk Now Telco employee will be responsible for overseeing and finalizing every Lifeline enrollment prior to including that customer on an FCC Form 497 for reimbursement, the Company always "deals directly" with its customers to certify and verify the customer's Lifeline eligibility.

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<sup>16</sup> See Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), 20 FCC Rcd 15095, ¶19 (2005).

<sup>17</sup> *Lifeline Reform Order*, ¶ 110.

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Proof of Eligibility. Talk Now Telco follows the Commission's requirements pertaining to acceptable documentation to establish eligibility based either on income level or participation in a qualified government assistance program, unless otherwise established by a state Lifeline administrator or other state agency.<sup>18</sup> Specifically, acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice or letter of participation in a qualifying state, federal or Tribal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program ("SNAP") electronic benefit transfer card or Medicaid participation card (or copy thereof); or (4) another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program.<sup>19</sup>

Acceptable documentation of income eligibility includes: (1) the prior year's state, federal, or Tribal tax return; (2) current income statement from an employer or paycheck stub; (3) a Social Security statement of benefits; (4) a Veterans Administration statement of benefits; (5) a retirement/pension statement of benefits; (6) an Unemployment/Workmen's Compensation statement of benefits; (7) federal or Tribal notice letter of participation in General Assistance; (8) or a divorce decree, child support award, or other official document containing income information for at least three consecutive months' time.<sup>20</sup> If the prospective subscriber presents Talk Now Telco with documentation of income that does not cover a full year, the prospective subscriber must present the same type of documentation covering three consecutive months within the previous twelve months.<sup>21</sup>

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<sup>18</sup> See USAC Guidance available at <http://www.usac.org/li/telecom-carriers/step06/default.aspx>.

<sup>19</sup> 47 C.F.R. § 54.410(c)(1)(i)(B).

<sup>20</sup> 47 C.F.R. § 54.410(c)(1)(i)(B).

<sup>21</sup> *Id.* See also *Lifeline Reform Order*, ¶101.

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Talk Now Telco personnel will examine and record the type of documentation presented by each prospective Lifeline subscriber, but will not retain copies of these documents unless required by a state.<sup>22</sup> In addition, Company personnel will record, where available, date, expiration date and last four (4) digits of an account or other identifying number on a proof document. Talk Now Telco personnel also review the prospective subscriber's government-issued photo identification. If an applicant is unable to provide documentary proof of eligibility based on either household income level or current participation in a qualified program, Talk Now Telco will deny that application.

### **B. Talk Now Telco's Procedures for Subscriber Certifications**

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Company personnel as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.<sup>23</sup> The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally. Every applicant will be required to complete an application/certification form containing disclosures, and collecting certain information and certifications as discussed below.<sup>24</sup> Applicants that seek to enroll based on income eligibility will be referred to a worksheet showing the Federal Poverty Guidelines by household size.<sup>25</sup> Applicants that do not complete the form in person will be required to return the signed application/certification to the Company by mail,

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<sup>22</sup> 47 C.F.R. § 54.410(b)(1)(ii) - (iii); 47 C.F.R. § 54.410(c)(1)(ii)-(iii).

<sup>23</sup> *Lifeline Reform Order*, ¶ 61; § 54.410(a).

<sup>24</sup> See sample Application/Certification Form, included as Exhibit 3. See Compliance Plan Public Notice at 3.

<sup>25</sup> See Income Eligibility Worksheet, included as Exhibit 3.

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facsimile, electronic mail or other electronic transmission. In addition, Company personnel will verbally explain the certifications to consumers when they are enrolling in person or over the phone.<sup>26</sup>

Information Collection. Talk Now Telco collects the following information from prospective subscribers in its Lifeline application/certification form: (1) the subscriber's full name; (2) the subscriber's full residential address (P.O. Boxes are not permitted); (3) whether the residential address is permanent or temporary; (4) the subscriber's billing address, if different; (5) the subscriber's date of birth; (6) the last four digits of the subscriber's Social Security number (or Tribal identification number if the subscriber is a member of a Tribal nation and does not have a Social Security number); (7) if the subscriber is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the subscriber, or his or her dependents, or his or her household receives benefits; and (8) if the subscriber is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.<sup>27</sup> The applicant must also authorize the Company to release any records required for the administration of the Company's Lifeline credit program, including to USAC, to be used in a Lifeline program database.<sup>28</sup> In addition, the applicant will be required to authorize the Company to access any records required to verify that applicant's statements on the application/certification form and to confirm the applicant's eligibility for the Company's Lifeline credit.

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<sup>26</sup> See Lifeline Reform Order, ¶ 123.

<sup>27</sup> 47 C.F.R. § 54.410(d)(2).

<sup>28</sup> See 47 C.F.R. § 54.404(b)(9). The application/certification form will also describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service.

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Disclosures. In accordance with 47 C.F.R. § 54.410(d)(1), Talk Now Telco's Lifeline application/certification discloses the following information: (1) Lifeline is a federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the subscriber's de-enrollment from the program; and (6) Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person.<sup>29</sup>

In accordance with 47 C.F.R. § 54.405(c), Talk Now Telco's Lifeline Application indicates, using easily understood language, (1) that Talk Now Telco's low-income targeted service is a Lifeline service; (2) that Lifeline is a government assistance program; and (3) that the service is non-transferable; (4) that only eligible consumers may enroll in the program; and (5) that the program is limited to one discount per household.<sup>30</sup> In addition, the Company will notify applicants that prepaid services must be personally activated by the subscriber and the service will be deactivated, and the subscriber de-enrolled, if the subscriber does not use the service for 60 days.

Applicant Certification. In accordance with 47 C.F.R. § 54.410(d), in its Lifeline application/certification form, Talk Now Telco requires all Lifeline applicants to certify, under penalty of perjury, that: (1) the subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline; (2) the subscriber will notify Talk Now Telco within 30 days if,

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<sup>29</sup> *Id.*

<sup>30</sup> See *Lifeline Reform Order*, ¶ 275; 47 C.F.R. § 54.405(c).

## REDACTED FOR PUBLIC INSPECTION

for any reason, he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit; (3) if the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, that he or she lives on Tribal lands; (4) if the subscriber moves to a new address, that he or she will provide that new address to Talk Now Telco within 30 days; (5) if the subscriber provided a temporary residential address to Talk Now Telco, the subscriber will verify his or her temporary residential address every 90 days; (6) the subscriber's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the subscriber's household is not already receiving a Lifeline service; (7) the information contained in the subscriber's application/certification form is true and correct to the best of the subscriber's knowledge; (8) the subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and (9) the subscriber acknowledges that he or she may be required to re-certify his or her continued eligibility for Lifeline at any time, and that his or her failure to re-certify as to continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits.<sup>31</sup>

### **C. Talk Now Telco's Procedures for Annual Verification of Lifeline Customers**

The *Lifeline Reform Order* and 47 C.F.R. § 54.410(f), require ETCs to annually re-certify all of their Lifeline subscribers by either (1) querying the appropriate eligibility or income databases, confirming that the subscriber continues to meet the program- or income-based eligibility requirements for Lifeline and documenting the results of that review, or (2) obtaining a signed certification from the subscriber that meets the certification requirements set forth in 47

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<sup>31</sup> 47 C.F.R. § 54.410; *also see* Exhibit 3.

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C.F.R. § 54.410(d). The recertification will include a confirmation that the applicant's household will receive only one Lifeline service and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline service.<sup>32</sup> Talk Now Telco will notify its subscribers that a failure to respond to the recertification request will result in de-enrollment from the Lifeline program.<sup>33</sup>

Talk Now Telco will de-enroll subscribers who do not respond to the annual verification or fail to provide the required certification.<sup>34</sup> The Company will send a single written notice explaining that failure to respond to the re-certification request within 30 days will result in the subscriber's de-enrollment from the Lifeline program. If the subscriber does not respond within 30 days, the Company will de-enroll the subscriber within five business days. If a customer contacts the Company and states that he or she is not eligible for Lifeline or wishes to de-enroll for any reason, the Company will de-enroll the customer within five business days. Customers can make this request by calling the Company's customer service number and will not be required to submit any documents. Talk Now Telco's subscribers will be able to reach the Company's customer service representatives by dialing (888) 449-0002 from their handsets or from any telephone. The Company's planned hours of operation will be Monday through Saturday, from 9:00am until 8:00pm central standard time.

ETCs are not required to conduct this annual re-certification in states where a state Lifeline administrator is responsible for re-certifications of subscriber Lifeline eligibility.<sup>35</sup> Solix is the USF administrator in Texas and is responsible for conducting eligibility re-certifications.

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<sup>32</sup> See *Lifeline Reform Order*, ¶120.

<sup>33</sup> 47 C.F.R. § 54.405(e)(4).

<sup>34</sup> See *id.*, ¶ 257; § 54.405(e)(3).

<sup>35</sup> 47 C.F.R. § 54.410(f)(1).

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Consequently, Talk Now Telco will not be required to conduct its own re-certification in Texas. Talk Now Telco will rely on any notice from Solix that a customer has failed to meet the re-certification requirements and should be de-enrolled. In addition to administering the Lifeline eligibility confirmation and enrollment process in Texas, Solix conducts semiannual verifications of Lifeline subscribers' continued eligibility for participation in the Lifeline program. Talk Now Telco relies on Solix's determination of a subscriber's continued eligibility to satisfy the Company's requirement to confirm initial and continued eligibility of Lifeline subscribers in Texas.

Annual Verification. The Company will comply with the annual recertification requirements and will submit the results to USAC by January 31 of each year.<sup>36</sup> The Company will contact its subscribers via text message to their Lifeline supported telephone, or by mail, phone, e-mail or other Internet communication. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company.

### **III. TALK NOW TELCO'S PLANS FOR COMPLIANCE WITH THE FORBEARANCE CONDITIONS RELATING TO PUBLIC SAFETY AND 911/E911 ACCESS**

Talk Now Telco's practices will comply with the 911/E911 access conditions set forth in paragraph 373 of the *Lifeline Reform Order*. Specifically, Talk Now Telco will provide its Lifeline subscribers with 911/E911 access at the time Lifeline service is initiated. Talk Now Telco Wireless will provide its wireless Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services. This handset requirement is not applicable

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<sup>36</sup> See *Lifeline Reform Order*, ¶130.

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to Talk Now Telco's wireline services. Talk Now Telco intends to provide access to 911 and E911 services and commits to the following practices.

Talk Now Telco will provide its Lifeline customers with access to 911 and E911 services immediately upon initiation of service. Wireless subscribers will retain access to 911 and E911 services even if the account associated with the handset is suspended or has no minutes remaining. The Commission and consumers are hereby assured that all Company customers will have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and E911 access will be available using the Company's services at all times until service is disconnected.

Talk Now Telco will provide access to 911 and E911 services for all customers. The Company intends to use AT&T as its underlying network provider/carrier for its wireline service offering pursuant to its interconnection agreement with AT&T. The Company will use Sprint Nextel ("Sprint"), T-Mobile ("T-Mobile") and Verizon Wireless ("Verizon") as the underlying network providers for Talk Now Telco's wireless service offerings.<sup>37</sup> These underlying carriers will route 911 calls from Talk Now Telco's customers in the same manner as 911 calls from their own retail customers. To the extent that AT&T, Sprint, T-Mobile and Verizon are certified in a given PSAP territory, this 911 capability will function the same for the Company.

Talk Now Telco will ensure that all handsets used with the Company's wireless Lifeline service offerings are E911-compliant. The Company will obtain phones from companies that conduct stringent certification processes to ensure the handset models meet all 911 and E911

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<sup>37</sup> Talk Now Telco purchases wireless services from Natel Networks, LLC and Liberty Wireless which in turn purchase services from T-Mobile and Sprint and Verizon, respectively. Talk Now Telco has no relationship with its underlying carriers other than for the purchase of access to Sprint, T-Mobile and Verizon Wireless' networks.

## **REDACTED FOR PUBLIC INSPECTION**

requirements. Consequently, all subscribers to Talk Now Telco's wireless Lifeline service will be assured of receiving a 911/E911-compliant handset, free of charge.

#### **IV. TALK NOW TELCO'S PLANS FOR COMPLIANCE WITH THE COMMISSION'S MARKETING AND DISCLOSURE REQUIREMENTS FOR PARTICIPATION IN THE LIFELINE PROGRAM**

Talk Now Telco's marketing materials<sup>38</sup> for its Lifeline services will state in clear, easily understood language: (1) that the service is supported by Lifeline; (2) that Lifeline is a government assistance program; (3) that the service is non-transferable; (4) that only eligible consumers may enroll in the program; (5) that the program is limited to one discount per household; (6) that documentation is necessary for enrollment; and (7) the Company's Lifeline application/certification form will state that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.<sup>39</sup> Talk Now Telco also will disclose its name on all marketing materials.<sup>40</sup> This specifically includes the Company's website at [www.talknowtexaswireless.com](http://www.talknowtexaswireless.com), [www.talknowtexas.com](http://www.talknowtexas.com) and outdoor signage.

A sample of the Company's marketing materials is attached hereto as Exhibit 4.

#### **V. TALK NOW TELCO'S PROCEDURES AND EFFORTS TO PREVENT WASTE, FRAUD AND ABUSE IN CONNECTION WITH LIFELINE FUNDS**

Talk Now Telco shares the Commission's commitment to minimize waste, fraud and abuse of Lifeline benefits. Accordingly, Talk Now Telco commits to implementing a variety of measures and procedures intended to prevent duplicate Lifeline benefits from being awarded to the same household or individual.

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<sup>38</sup> "Marketing materials" includes, but is not limited to print, audio, video, Internet (including email, web, and social networking media), and outdoor signage, that describe the Lifeline-supported service offering, including application and certification forms. See *Lifeline Reform Order*, ¶ 276; 47 C.F.R. § 54.405(c).

<sup>39</sup> *Lifeline Reform Order*, ¶ 275; 47 C.F.R. § 54.405(c).

<sup>40</sup> 47 C.F.R. § 54.405(d).

## REDACTED FOR PUBLIC INSPECTION

**Prevention of Duplicates within Talk Now Telco's Subscriber Base.** In Texas, Talk Now Telco will rely on the determinations of Solix regarding a customer's eligibility for participation in the Lifeline program, including any determination that a customer's service address is not already receiving Lifeline service. Solix's review and determination of a subscriber's eligibility helps prevent Talk Now Telco from providing duplicate service to a Lifeline applicant.

In states that do not have a state-designated Lifeline administrator, at the time of initial sign up of a new subscriber, the subscriber's service address is validated for accuracy against the USPS ("United States Postal Service") database and saved in the USPS-approved format, which permits Talk Now Telco's subscriber database to more accurately prevent duplicates by preventing variations of the same address from appearing multiple times in the database. Once the address is validated for accuracy and format, it is checked against addresses for all Talk Now Telco addresses. Moreover, all orders for Lifeline service are subjected to a secondary USPS accuracy and format check the following day. Any corrections needed as a result of the secondary check, such as correcting address format, are promptly entered into Talk Now Telco's system. The Company also conducts additional checks to ensure that the same household is not receiving more than one Lifeline service by conducting real-time scans of its internal subscriber database, as well as the databases of other companies with whom Talk Now Telco has relationships, to flag any duplicate addresses, dates of birth, etc. in addition to conducting manual reviews of its subscriber lists prior to filing its FCC Form 497s in order to ensure that it does not claim subsidies for any duplicate addresses.

**Service Activation and Non-Usage Policy** Although Talk Now Telco's wireline service offerings are prepaid, the Company will assess and collect a monthly fee from each wireline

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subscriber and Retail Discount Plan wireless subscriber. Customers must pay the fee each month for the services they select and service will be disconnected if the fee is not paid. Customers typically will make payments at retail store locations but they can also be made online, by mail or by telephone. Consequently, Talk Now Telco will have a regular billing relationship with its wireline and Retail Discount Plan Lifeline subscribers and the Commission's service activation and non-usage requirements will not apply.<sup>41</sup> Talk Now Telco will not seek reimbursement for Lifeline service for any prepaid wireless subscriber until the subscriber activates the service. Customers initially are provided with a handset that is not fully activated and are directed to activate the handset by whatever means specified by the Company, such as completing an outbound call.

In addition, after service activation, the Company will provide a de-enrollment notice to subscribers that have not used their service for 60 days. After 60 days of non-use, the Company will provide notice to the subscriber that failure to use the Lifeline service within a 30-day notice period will result in de-enrollment.<sup>42</sup> Subscribers can "use" the service by: (1) completing an outbound call; (2) purchasing minutes from the Company to add to the subscriber's plan; (3) answering an incoming call from a party other than the Company; or (4) responding to a direct contact from the Company and confirming that the subscriber wants to continue receiving the service.<sup>43</sup> If the subscriber does not respond to the notice, the subscriber will be de-enrolled and the Company will not request further Lifeline reimbursement for the subscriber. The Company

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<sup>41</sup> See *Lifeline Reform Order*, ¶¶ 257, 263. See also, 47 C.F.R. §54.407(c).

<sup>42</sup> See *Lifeline Reform Order*, ¶ 257; § 54.405(e)(3).

<sup>43</sup> See *Lifeline Reform Order*, ¶ 261; § 54.407(c)(2).

## REDACTED FOR PUBLIC INSPECTION

will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.<sup>44</sup>

**National Database.** When the National Lifeline Accountability Database becomes available, Talk Now Telco will fully comply with the requirements of 47 C.F.R. § 54.404 and will utilize the database to determine if an applicant is currently receiving Lifeline service from another carrier or if another person residing at the applicant's residential address is receiving Lifeline service.<sup>45</sup> In Texas, Talk Now Telco relies on Solix's subscriber review and eligibility determinations when offering service to Lifeline subscribers.

**One Per Household Rule.** Talk Now Telco will implement policies and practices in accordance with the Commission's rules and the *Lifeline Reform Order* to ensure that it provides only one Lifeline service per household. As described above, Talk Now Telco will implement procedures to ensure that the Company itself only provides one Lifeline service per household.<sup>46</sup> If an existing Talk Now Telco subscriber is receiving service at the same address, the Company's system will not permit any order for Lifeline service to proceed unless the customer completes the process described below. If the applicant lives at an address with multiple households, the Company requires the applicant to complete and submit the written USAC document containing

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<sup>44</sup> See *Lifeline Reform Order*, ¶ 257; § 54.405(e)(3).

<sup>45</sup> See *Lifeline Reform Order*, ¶ 203. The Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. See *Lifeline Reform Order*, ¶¶ 189-195; § 54.404(b)(6). Further, the Company will update each subscriber's information in the National Database within ten business days of any change, except for de-enrollment, which will be transmitted within one business day. See § 54.404(b)(8),(10).

<sup>46</sup> A "household" is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. See *Lifeline Reform Order*, ¶ 74; § 54.400(h).

## REDACTED FOR PUBLIC INSPECTION

the following: (1) an explanation of the Commission’s one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant’s household and share in the household’s expenses or benefit from the applicant’s income, pursuant to the Commission’s definition; and (4) the penalty for a consumer’s failure to make the required one-per-household certification (*i.e.*, de-enrollment).<sup>47</sup>

In Texas, Talk Now Telco will rely on Solix’s subscriber review and eligibility determinations when offering service to Lifeline subscribers.<sup>48</sup> In addition to relying on Solix’s eligibility determinations and the procedures described above, Talk Now Telco personnel will emphasize the “one Lifeline phone per household” restriction in their direct sales contacts with potential customers. Training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction. All employees who deal with customers must demonstrate understanding of the Commission’s and Talk Now Telco’s rules and policies by completing the Company’s Lifeline training. Talk Now Telco commits to ensuring employees receive refresher training regarding changes to the Lifeline program and applicant qualification requirements. Talk Now Telco’s employees will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name and

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<sup>47</sup> See *Lifeline Reform Order*, ¶ 78. The USAC worksheet is available at <http://www.usac.org/li/tools/news/default.aspx#582>.

<sup>48</sup> A “household” is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. See *Lifeline Reform Order*, ¶ 74; § 54.400(h).

## REDACTED FOR PUBLIC INSPECTION

ask applicants if they are receiving Lifeline services from another major Lifeline provider (e.g., SafeLink, Assurance, ReachOut etc.). Employees will emphasize that Lifeline is a government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment or being barred from the program.

Finally, if Talk Now Telco has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, for example, due to a violation of the one-per-household rule, Talk Now Telco will initiate its termination process in accordance with the procedures set forth in 47 C.F.R. § 54.405(e)(1).

**Company Reimbursements from the Fund.** To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, Talk Now Telco will certify, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.<sup>49</sup> In Texas Talk Now Telco will confirm with Solix that Solix has obtained valid certification and verification forms from each of the subscribers for whom Talk Now Telco is seeking reimbursement.<sup>50</sup> Further, the Company will submit its FCC Forms 497 by the eighth day of each month in order to be reimbursed in the same month<sup>51</sup> In addition, the Company will keep accurate records as directed by USAC<sup>52</sup> and as required by new section 54.417 of the Commission's rules.

**Annual Company Certifications.** Talk Now Telco will submit an annual certification to USAC, signed by a Company officer under penalty of perjury, that the Company: (1) has policies

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<sup>49</sup> See *Lifeline Reform Order*, ¶ 128; 47 C.F.R. § 54.407(d).

<sup>50</sup> See *Id.*

<sup>51</sup> See *Lifeline Reform Order*, ¶¶ 302-306.

<sup>52</sup> See 47 C.F.R. § 54.407(e).

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and procedures in place to review consumers' documentation of income- and program-based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services;<sup>53</sup> (2) is in compliance with all federal Lifeline certification procedures;<sup>54</sup> and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.<sup>55</sup>

In addition, the Company will provide the results of its annual recertifications/verifications on an annual basis to the Commission, USAC, the applicable state commission and the relevant Tribal governments (for subscribers residing on Tribal lands). For Lifeline subscribers in Texas, Talk Now Telco's certification will include an attestation that the Company relied upon eligibility information obtained from Solix, Texas' USF administrator with responsibility for making eligibility determinations. Talk Now Telco will rely on Solix to provide the results of Solix's annual re-certifications/verifications on an annual basis to the Commission, USAC, the applicable state commission and the relevant Tribal governments (for subscribers residing on Tribal lands).<sup>56</sup> Further, the Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.<sup>57</sup>

The Company will also annually report to the Commission, USAC, and relevant state commissions and the relevant authority in a U.S. territory or Tribal government as appropriate,<sup>58</sup> the company name, names of the company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation) as well as relevant universal

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<sup>53</sup> See *Lifeline Reform Order*, ¶ 126; 47 C.F.R. §54.416(a)(1).

<sup>54</sup> See *Lifeline Reform Order*, ¶ 127; 47 C.F.R. §54.416(a)(2).

<sup>55</sup> See 47 C.F.R. §54.416(a)(3).

<sup>56</sup> See *Lifeline Reform Order*, ¶¶ 132,148; 47 C.F.R. §54.416(b).

<sup>57</sup> See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. §54.405(e)(3).

<sup>58</sup> See 47 C.F.R. §54.422(c).

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service identifiers for each entity by Study Area Code.<sup>59</sup> The Company will report annually information regarding the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low-income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.<sup>60</sup> Finally, the Company will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that the Company is able to function in emergency situations.<sup>61</sup>

**Cooperation with State and Federal Regulators.** Talk Now Telco will cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available state-specific subscriber data, including the names and addresses of Lifeline subscribers, to USAC and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;<sup>62</sup>
- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and

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<sup>59</sup> See *Lifeline Reform Order*, ¶¶ 296, 390; 47 C.F.R. §54.422(a).

<sup>60</sup> See *Lifeline Reform Order*, ¶ 390; 47 C.F.R. §54.422(b)(5).

<sup>61</sup> See *Lifeline Reform Order*, ¶ 389; 47 C.F.R. §54.422(b)(1)-(4).

<sup>62</sup> The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

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- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe<sup>63</sup> is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.

**VI. CONCLUSION**

Talk Now Telco submits that the foregoing Compliance Plan fully satisfies the conditions set forth in the *Lifeline Reform Order*, the *Compliance Plan Public Notice* and the Commission's rules pertaining to Lifeline. Accordingly, Talk Now Telco respectfully requests expeditious approval of this Compliance Plan so that the Company will be permitted to provide essential Lifeline service to eligible low-income customers in states where it has previously been designated an ETC and may provide service to additional eligible low-income consumers in the various states for which it may have pending ETC petitions.

Respectfully submitted,



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*Counsel to Express Cash and Phone, Inc. dba Talk  
Now Telco and dba Talk Now Telco Wireless*

April 11, 2013

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<sup>63</sup> See 47 C.F.R. § 54.405(e)(1).

# Exhibit 1

## Confidential Exhibit

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**REDACTED FOR PUBLIC DISCLOSURE**

Exhibit 1

Section 54.422(a)(1) Report

The owners of Talk Now Telco that own or control 10% or more of the Company, report that they also own or control 10% or more of the following companies, which companies may be deemed to be 'affiliates' as that term is defined in 47 U.S.C. § 153(2):

**[Begin Redaction]**

**[End Redaction]** BBBY, Ltd.; Ambient Ventures, LLC; New Talk, Inc.; Young Energy, LLC; Assist Wireless, LLC; Telecom Ventures, LLC; New Talk Wireless, LLC and Zip Networks, LLC.

Talk Now Telco reports that it does not own or control any entities and has no holding or operating companies.

The Company's corporate name is Express Cash and Phone, Inc. and its trade names are Talk Now Telco and Talk Now Telco Wireless.

The following members hold an ownership interest in Talk Now Telco: Byron Young, Brandon Young **[Begin Confidential]** **[End Confidential]**

## Exhibit 2

# Lifeline Offerings

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### **Wireline Offerings**

<b><u>Plan Description</u></b>	<b><u>Discounted Price</u></b>
BRONZE Service	\$17.49 -- No Features
SILVER Service	\$22.49 – Includes Call Waiting & Caller ID
GOLD Service	\$25.49 – Includes 3 Way Calling, Speed Calling, Selective Call Forwarding, Priority Call, Caller ID, Call Waiting ID, Call Waiting, Call Return, Call Forwarding & Call Blocker

Prices reflect a \$15.00 Lifeline discount.

Non-recurring Activation\Connection Fee, Transfer Fee, or Conversion Fee charge applies on all packages.

All rate packages (Bronze, Silver, and Gold) include Talk Now Telco Unlimited Nationwide 800 Access Long Distance\*.

\*Talk Now Telco Unlimited Nationwide 800 Access Long Distance is included in all Talk Now Telco Bronze, Silver, and Gold local service plans. Talk Now Telco Unlimited Nationwide 800 Access Long Distance plans are for residential customers using normal residential long distance usage patterns (approximately 300 minutes a month), non-business use only, and cannot be used for long distance or local toll access to the Internet or for business purposes such as telemarketing, auto-dialing, or commercial or broadcast facsimile (FAX) where any of these calls would be long distance or local toll calls. Talk Now Telco Unlimited Nationwide 800 Access Long Distance may be accessed by dialing a toll free number. If plan is used for unauthorized purposes, or if qualifying services are removed from the account, the Company may immediately suspend, restrict or cancel the Customer's Service. Talk Now Telco Nationwide 800 Access Long Distance is not a 1 plus toll long distance toll product. Access to 1 plus interexchange carriers may be blocked by Talk Now Telco based on defined criteria.

## **Wireless Offerings**

Talk Now Telco Wireless' Lifeline service offering proposes to give eligible customers three (3)

Lifeline Plan choices:

1. 150 Anytime Minutes Plan. Eligible customers enjoy a free handset, 150 anytime minutes, rollover minutes, free incoming text messages, and free customer care calls.
2. 250 Anytime Minutes Plan. Eligible customers receive a free handset and 250 anytime minutes. Customers will not qualify for the perks listed above, forgoing these for a higher number of minutes.
3. Retail Discount Plan. The third option allows Lifeline eligible customers to choose from any Talk Now Telco Wireless monthly retail plan at a \$15<sup>64</sup> discount. Under this Retail Discount Plan, a customer can, for example, pay \$10 additional per month and receive 200 anytime minutes, unlimited text messaging and 200 megabytes of data, plus all the perks listed under the 150 minute plan.

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<sup>64</sup> Although Talk Now Telco Wireless' current discount offer is \$15, the Company may re-evaluate the discount applied to its retail plans based on the outcome of the FNRPM regarding a change in the federal Lifeline support amount. *See Lifeline and Link Up Reform Order* Section XIII.D. The Company commits to continue to offer a Lifeline discount at a minimum equal to the federal Lifeline support amount, plus any state funds, if applicable.

# Exhibit 3

## Sample Lifeline Application Form



**Express Cash and Phone, Inc. dba Talk Now Wireless**  
**[State] Wireless Lifeline Service Application and Certification**

Mail or fax form completed and signed form to:  
P.O. Box 470487, Fort Worth, Texas 76118  
Fax 817-887-5754 / Customer Service: 888-449-0002

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in Express Cash and Phone, Inc. d/b/a Talk Now Wireless ("the Company's") Lifeline service program in your state. This Certification is for the purpose of verifying your eligibility for Lifeline service. Service requests will not be processed until this Form has been received and verified by Company.

**One Lifeline service per household disclosures:** Lifeline is a government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment or being barred from the program. Lifeline benefits are limited to a single line of service per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both and you cannot receive Lifeline benefits from multiple providers. Note that not all Lifeline services are currently marketed under the name Lifeline. Lifeline is a non-transferable benefit and you may not transfer your benefit to any other person, including another eligible low-income consumer. Violation of the one-per-household limitation constitutes a violation of the Federal Communications Commission's rules and will result in your de-enrollment from the program, and potentially prosecution by the United States Government.

☐ **I hereby certify, under penalty of perjury, that I have read and understood the disclosures listed above and that, to the best of my knowledge, my household is not already receiving a Lifeline service benefit.**

**Customer eligibility certification:** I hereby certify that I participate in at least one of the following programs (**check one**):

- |   |  |
|---|--|
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP)   | <input type="checkbox"/> Income at or below 135% of Federal Poverty Guidelines     |
| <input type="checkbox"/> Section 8 Federal Public Housing Assistance (FPHA) | <input type="checkbox"/> Food Distribution Program on Indian Reservations (FDPIR)  |
| <input type="checkbox"/> Medicaid (not Medicare)                            | <input type="checkbox"/> Bureau of Indian Affairs General Assistance (BIA)         |
| <input type="checkbox"/> Supplemental Security Income (SSI)                 | <input type="checkbox"/> Tribally Administered TANF (TATNF)                        |
| <input type="checkbox"/> Temporary Assistance for Needy Families (TANF)     | <input type="checkbox"/> Head Start (meeting income qualifying standards) (Tribal) |
| <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) |  |
| <input type="checkbox"/> National School Lunch Program's free lunch program |  |

**Tribal eligibility:**

☐ I hereby certify that I reside on Federally-recognized Tribal lands.

**Customer Application Information:**

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
Date of Birth: Month: \_\_\_\_ Day: \_\_\_\_ Year: \_\_\_\_\_ Last Four Digits of Social Security Number (or Tribal ID Number): \_\_\_\_\_  
If Qualifying for Lifeline by Income, number of Individuals in Household: \_\_\_\_\_  
Home Telephone Number (if available): \_\_\_\_\_

**Residential Address (P.O. Box NOT sufficient)**

Number: \_\_\_\_\_ Apt: \_\_\_\_\_ Street: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Address is (choose one): ☐ Permanent ☐ Temporary

**Billing Address (if different from Residential Address) (P.O. Box IS sufficient)**

Number: \_\_\_\_\_ Apt: \_\_\_\_\_ Street: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Multiple households sharing and address:**

☐ I hereby certify that I reside at an address occupied by multiple households, including adults who do not contribute income to my household and/or share in my household's expenses, and I will complete a separate additional form.

**Activation and usage requirement disclosures:** This service is a prepaid service and you must personally activate it by calling 888-449-0002. To keep your account active, you must use your Lifeline service at least once during any 60 day period by completing an outbound call, purchasing additional minutes from Company, answering an in-bound call from someone other than Company, or by responding to a direct contact from Company confirming that you want to continue receiving Lifeline service from Company. If your service goes unused for 60 days, you will no longer be eligible for Lifeline benefits and your service will be suspended (allowing only 911

calls and calls to the Company's customer care center) subject to a 30 day cure period during which you may use the service (as described above) or contact the Company to confirm that you want to continue receiving Lifeline service from Company.

☐ I hereby certify that I have read and understood the disclosures listed above regarding activation and usage requirements.

**Authorizations:**

- ☐ I hereby authorize the Company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program. I also authorize the Company to release any records required for the administration of the Lifeline program (e.g., name, telephone number, address, date of birth, last four digits of SSN, amount of support being sought, means of qualification for support, and dates of service initiation and termination), including to the Universal Service Administrative Company, to be used in a Lifeline database and to ensure the proper administration of the Lifeline Program. Failure to consent will result in denial of service.

**Additional certifications:** I hereby certify, under penalty of perjury, that (check each box):

- ☐ I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- ☐ I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based eligibility criteria, I begin receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement
- ☐ I am not listed as a dependent on another person's tax return (unless over the age of 60)
- ☐ The address listed below is my primary residence, not a second home or business
- ☐ If I move to a new address, I will provide that new address to the Company within 30 days
- ☐ If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 days
- ☐ I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law
- ☐ I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility within 30 days will result in de-enrollment and the termination of my Lifeline benefits
- ☐ The information contained in this certification form is true and correct to the best of my knowledge

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**For Agent Use Only (check the appropriate boxes for the proof of eligibility viewed and provide information requested; do not copy or retain documentation):**

**Documents Acceptable Proof for Income-Eligibility (check 1)\*:**

- ☐ The prior year's state, federal, or Tribal tax return,
- ☐ Current income statement from an employer or paycheck stub,
- ☐ A Social Security statement of benefits,
- ☐ A Veterans Administration statement of benefits,
- ☐ A retirement/pension statement of benefits,
- ☐ An Unemployment/Workmen's Compensation statement of benefits,
- ☐ Federal or Tribal notice letter of participation in General Assistance, or
- ☐ A divorce decree, child support award, or other official document containing income information for at least three consecutive months' time.

**\*If the documentation of income does not cover a full year, the applicant must present the same type of documentation covering three (3) consecutive months within the previous twelve (12) months.**

**Documents Acceptable Proof for Program-Eligibility (choose 1 from each list A and B below):**

**List A - Choose 1**

- ☐ Supplemental Nutrition Assistance Program (SNAP)
- ☐ Medicaid
- ☐ Section 8 Federal Public Housing Assistance (FPHA)
- ☐ Supplemental Security Income (SSI)
- ☐ Temporary Assistance for Needy Families (TANF)
- ☐ Low Income Home Energy Assistance Program (LIHEAP)
- ☐ National School Lunch Program's free lunch program
- ☐ Food Distribution Program on Indian Reservations (FDPIR)
- ☐ Bureau of Indian Affairs General Assistance (BIA)
- ☐ Tribally Administered TANF (TATNF)
- ☐ Head Start (meeting income qualifying standards)
- ☐ State Program 1
- ☐ State Program 2

**List B - Choose 1:**

- ☐ Program participation card/document
- ☐ Prior year's statement of benefits
- ☐ Notice letter of participation
- ☐ Other official document evidencing participation \_\_\_\_\_

Last 4 digits of Document from List B \_\_\_\_\_

Date of Proof Document: \_\_\_\_/\_\_\_\_/\_\_\_\_

Expiration Date of Proof Document: \_\_\_\_/\_\_\_\_/\_\_\_\_

Applicant Account Number	Rep/Agent Signature



**Express Cash and Phone, Inc. dba Talk Now Telco**  
[State] Wireline Lifeline Service Application and Certification  
Mail or fax completed and signed form to:  
P.O. Box 470487, Fort Worth, Texas 76118  
Fax: 817-887-5754 / Customer Service: 888-449-0002

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in Express Cash and Phone, Inc. d/b/a Talk Now Telco ("the Company's") Lifeline service program in your state. This Certification is for the purpose of verifying your eligibility for Lifeline service. Service requests will not be processed until this Form has been received and verified by Company.

**One Lifeline service per household disclosures:** Lifeline is a government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment or being barred from the program. Lifeline benefits are limited to a single line of service per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both and you cannot receive Lifeline benefits from multiple providers. Note that not all Lifeline services are currently marketed under the name Lifeline. Lifeline is a non-transferable benefit and you may not transfer your benefit to any other person, including another eligible low-income consumer. Violation of the one-per-household limitation constitutes a violation of the Federal Communications Commission's rules and will result in your de-enrollment from the program, and potentially prosecution by the United States Government.

☐ **I hereby certify, under penalty of perjury, that I have read and understood the disclosures listed above and that, to the best of my knowledge, my household is not already receiving a Lifeline service benefit.**

**Customer eligibility certification:** I hereby certify that I participate in at least one of the following programs (**check one**):

- |   |  |
|---|--|
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP)   | <input type="checkbox"/> Income at or below 135% of Federal Poverty Guidelines     |
| <input type="checkbox"/> Section 8 Federal Public Housing Assistance (FPHA) | <input type="checkbox"/> Food Distribution Program on Indian Reservations (FDPIR)  |
| <input type="checkbox"/> Medicaid (not Medicare)                            | <input type="checkbox"/> Bureau of Indian Affairs General Assistance (BIA)         |
| <input type="checkbox"/> Supplemental Security Income (SSI)                 | <input type="checkbox"/> Tribally Administered TANF (TATNF)                        |
| <input type="checkbox"/> Temporary Assistance for Needy Families (TANF)     | <input type="checkbox"/> Head Start (meeting income qualifying standards) (Tribal) |
| <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) |  |
| <input type="checkbox"/> National School Lunch Program's free lunch program |  |

**Tribal eligibility:**

- ☐ I hereby certify that I reside on Federally-recognized Tribal lands.

**Customer Application Information:**

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
Date of Birth: Month: \_\_\_\_ Day: \_\_\_\_ Year: \_\_\_\_\_ Last Four Digits of Social Security Number (or Tribal ID Number): \_\_\_\_\_  
If Qualifying for Lifeline by Income, number of Individuals in Household: \_\_\_\_\_  
Home Telephone Number (if available): \_\_\_\_\_

**Residential Address (P.O. Box NOT sufficient)**

Number: \_\_\_\_\_ Apt: \_\_\_\_\_ Street: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Address is (choose one): ☐ Permanent ☐ Temporary

**Billing Address (if different from Residential Address) (P.O. Box IS sufficient)**

Number: \_\_\_\_\_ Apt: \_\_\_\_\_ Street: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Multiple households sharing and address:**

- ☐ I hereby certify that I reside at an address occupied by multiple households, including adults who do not contribute income to my household and/or share in my household's expenses, and I will complete a separate additional form.

**Authorizations:**

- ☐ I hereby authorize the Company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program. I also authorize the Company to release any records required for the administration of the Lifeline program (e.g., name, telephone number, address, date of birth, last four digits of SSN, amount of support being sought, means of qualification for support, and dates of service initiation and termination), including to the Universal Service Administrative Company, to be used in a Lifeline database and to ensure the proper administration of the Lifeline Program. Failure to consent will result in denial of service.

**Additional certifications:** I hereby certify, under penalty of perjury, that (check each box):

- ☐ I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- ☐ I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based eligibility criteria, I begin receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement
- ☐ I am not listed as a dependent on another person's tax return (unless over the age of 60)
- ☐ The address listed below is my primary residence, not a second home or business
- ☐ If I move to a new address, I will provide that new address to the Company within 30 days
- ☐ If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 days
- ☐ I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law
- ☐ I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility within 30 days will result in de-enrollment and the termination of my Lifeline benefits
- ☐ The information contained in this certification form is true and correct to the best of my knowledge

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_**For Agent Use Only (check the appropriate boxes for the proof of eligibility viewed and provide information requested; do not copy or retain documentation):****Documents Acceptable Proof for Income-Eligibility (check 1)\*:**

- ☐ The prior year's state, federal, or Tribal tax return,  
☐ Current income statement from an employer or paycheck stub,  
☐ A Social Security statement of benefits,  
☐ A Veterans Administration statement of benefits,  
☐ A retirement/pension statement of benefits,  
☐ An Unemployment/Workmen's Compensation statement of benefits,  
☐ Federal or Tribal notice letter of participation in General Assistance, or  
☐ A divorce decree, child support award, or other official document containing income information for at least three months' time.

**\*If the documentation of income does not cover a full year, the applicant must present the same type of documentation covering three (3) consecutive months within the previous twelve (12) months.**

**Documents Acceptable Proof for Program-Eligibility (choose 1 from each list A and B below):****List A - Choose 1**

- ☐ Supplemental Nutrition Assistance Program (SNAP)  
☐ Medicaid  
☐ Section 8 Federal Public Housing Assistance (FPHA)  
☐ Supplemental Security Income (SSI)  
☐ Temporary Assistance for Needy Families (TANF)  
☐ Low Income Home Energy Assistance Program (LIHEAP)  
☐ National School Lunch Program's free lunch program  
☐ Food Distribution Program on Indian Reservations (FDPIR)  
☐ Bureau of Indian Affairs General Assistance (BIA)  
☐ Tribally Administered TANF (TATNF)  
☐ Head Start (meeting income qualifying standards)

**List B - Choose 1:**

- ☐ Program participation card/document  
☐ Prior year's statement of benefits  
☐ Notice letter of participation  
☐ Other official document evidencing participation \_\_\_\_\_

Last 4 digits of Document from List B \_\_\_\_\_

Date of Proof Document: \_\_\_\_/\_\_\_\_/\_\_\_\_

Expiration Date of Proof Document: \_\_\_\_/\_\_\_\_/\_\_\_\_

Applicant Account Number	Rep/Agent Signature

**REDACTED FOR PUBLIC INSPECTION**

**Express Cash and Phone, Inc. dba Talk Now Telco  
and dba Talk Now Telco Wireless  
Lifeline Service Application Income Eligibility Worksheet**

Individuals in all states are able to enroll in the Lifeline program by demonstrating that their household's annual income is at or below 135% of the Federal Poverty Guidelines. This table should be used to determine whether a Lifeline applicant is eligible for Lifeline service based on the number of individuals in the applicant's household and the applicant's household annual income:

HOUSEHOLD SIZE	INCOME LEVEL
1	\$15,080
2	\$20,426
3	\$25,772
4	\$31,118
5	\$36,464
6	\$41,810
7	\$47,156
8	\$52,502
For each additional person	Add \$5,346

**Applicants must list the number of individuals in the applicant's household on the Lifeline application form.** Applicants seeking to qualify for Lifeline service based on their household income must present one of the following documents in order to prove eligibility:

- the prior year's state, federal, or Tribal tax return
- current income statement from an employer or paycheck stub
- a Social Security statement of benefits
- a Veterans Administration statement of benefits
- a retirement/pension statement of benefits
- an Unemployment/Workmen's Compensation statement of benefits
- Federal or Tribal notice letter of participation in General Assistance
- a divorce decree, child support award, or other official document containing income information for at least three months time

\* If the documentation of income does not cover a full year, the applicant must present the same type of documentation covering three consecutive months within the previous 12 months.

**This is a Lifeline service provided by Express Cash and Phone, Inc. dba Talk Now Telco and dba Talk Now Telco Wireless. Lifeline is a government assistance program. Only one Lifeline service is available per household. Households are not permitted to receive multiple Lifeline benefits whether they are from one or multiple companies, wireless or wireline. Proof of eligibility is required for enrollment and only eligible customers may enroll in Lifeline service. Consumers who willingly make false statements to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Lifeline is a non-transferable benefit. Lifeline customers may not transfer their benefits to any other person.**

## Exhibit 4

# Sample Marketing Material

# HOME PHONE SERVICE

**NO PRE-PAYMENT OR DEPOSIT REQUIRED!**  
START TALKING IN AS LITTLE AS 24 HRS.

**Rates from \$8.49 per month\*\***  
(\$18.50/mo including approximate taxes & fees)

**\$0 Money Down**

- Caller ID & Call Waiting  
Included in Packages\*

**1-866-549-9557**

9am - 6pm Mon - Sat

**Talk Now Telco\*\*\***

DISTRIBUTOR WANTED, CALL OR GO ONLINE  
Initial investment required, ask if there are any exceptions.

\*Requires silver or gold package.

\*\*\$8.49 per month with auto pay.

\*\*\*\*a DBA of Express Cash & Phone, Inc.

"Lifeline is a government benefit program. Only eligible customers may participate in the Lifeline program and participation is limited to one benefit per household consisting of either wireline or wireless service. Documented proof of participation in a government assisted program or income qualification is required for enrollment. Lifeline service is non-transferable."

